

# Hearing Officer / Board of Adjustment

City of Tempe  
Development Services  
31 East Fifth Street  
Tempe, AZ 85280-5002  
480-350-8331 TDD 480-350-8400



## Criteria for Reviewing Applications

To obtain a favorable staff recommendation and speed processing, the following are required:

- ◆ Completed application (See [Required Items](#))
- ◆ Letters of support from adjacent property owners
- ◆ Letter of support from Neighborhood or Homeowners Association

## Hearing Officer/Board of Adjustment Legal Procedure

### Public Notice

At least 15 days prior to the public hearing, the Development Services Department will:

1. send a Public Hearing Notice by first class mail to property owners within 300 feet of the affected parcel;
2. send a Public Hearing Notice to tenants within the boundary of the parcel;
3. advertise the Public Hearing Notice in the East Valley Tribune newspaper; and
4. post a Public Hearing Notice on the property. You may contact these property owners to explain your request if you wish.

### Public Hearing

The Board of Adjustment meets on the 4<sup>TH</sup> WEDNESDAY OF EACH MONTH, 7:00 PM, IN THE CITY COUNCIL CHAMBERS.\* Hearing Officer meets on the 1<sup>ST</sup> AND 3<sup>RD</sup> TUESDAY OF EACH MONTH, 1:30 PM, IN THE CITY COUNCIL CHAMBERS.\* A report and recommendation by the Planning Division will be considered by the Hearing Officer/Board of Adjustment.

\* **Subject to change.**

### Presence Required At Public Hearings

You or your representative **MUST BE PRESENT** to explain your situation and to answer questions which may arise in consideration of the matter. Persons for and against the request are given an opportunity to be heard. Failure to appear may result in continuance of your application or its denial. Extenuating circumstances will be considered if you cannot attend; written explanation to be provided to the Development Services staff prior to the meeting.

### Hearing Officer/ Board Action

If the Hearing Officer/Board of Adjustment finds that the facts presented in the matter justify approval, the request may be approved, and conditions deemed necessary to preserve the intent of the Zoning Ordinance may be imposed. The Hearing Officer may refer any case, which cannot be resolved, to the Board for disposition. If the Board finds that the facts presented do NOT justify approval, the request may be modified or denied. In the event of extenuating circumstances, the Board may continue any case until a future date.

### Notice of Action/ Appeals

You will be notified of the Hearing Officer/Board of Adjustment action by mail. Objections to a decision of the Hearing Officer may be submitted to the Board as an appeal within seven (7) calendar days. Any appeal of a Board of Adjustment action may be appealed to the Superior Court within 30 days of a Board action.